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**In the United States Patent and Trademark Office**

In re Application of: Florian, J. et al

Serial Number: 10/780,813

Filed: 02/17/2004

Date: January 15, 2007

**NOTICE OF MAILING UNDER 37 CFR §1.8(b)**

In prompt response to our learning of the unintended ABANDONMENT of the above-identified application, the Office will hereby take notice and be informed that a previous mailing or transmission of correspondence was made. A copy of that correspondence is enclosed herewith including the mailing certificate.

The undersigned has personal knowledge the mailing was properly made. In accordance with the above cited section, please enter the correspondence and consider it timely filed. Immediate confirmation of acceptance as timely filed is requested – so that alternative means of revival can be taken should any defect remain. Any questions or issues arising from this notice should be immediately directed to our office.

Sincerely,

Joseph Page

enclosures (1)

Copy of Correspondence



**In the United States Patent and Trademark Office**

In re Application of: Florian, J.

Serial Number: 10/780,813

Filed: 02/17/2004

Date: June 15, 2004

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Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**Missing Parts Response**

Sir:

Attached hereto is a response to a Missing Parts Letter dated 05/12/2004 in connection with the above identified application.

Please take notice the letter may have been issued in error. The letter alleges that the fees were missing in the application. However, review of the application as filed clearly indicates that fees were submitted in accordance with the rules.

Specifically, 1) a Utility Transmittal Letter indicates that a Fee Transmittal Letter is included as part of the application; 2) A Fee Transmittal Letter indicates Small Entity Status and Total Amount of Payment as \$385 – the correct amount for a new patent application. The checkbox associated with Deposit Account is properly checked as required. The data relating to the Deposit Account 500296 and Page Lohr Associates is presented without error. The fee calculation was executed without error. The form appears complete and proper.; 3) A separate and independent general 'Deposit Account Authorization' has been additionally executed and presented with the application to authorize all fees in the application to be charged against the deposit account.

Accordingly, it is not understood why the Office should issue a Notice of Fees being Due. Applicant requests reconsideration and clarification of the apparent defect in issue of Notice of Missing Parts.

To expedite resolution, a replacement general authorization and replacement Fee Transmittal Sheet are included with this response letter so that fees may be charged against our deposit account in the event that the original Fee Transmittal Form was somehow defective. In addition, I have enclosed a check in the amount of \$450 which includes surcharge fees (\$65) for late oath or declaration in case the Missing Parts letter is found to be properly issued. Commissioner is only authorized to use this check in the event of such determination – please do not cash the check if the deposit account was properly debited.

If the matter is not fully resolved by this response, then please contact me at once so that I might provide remedy without further delay.

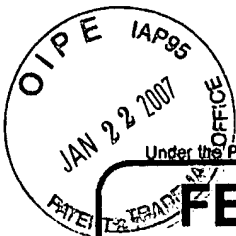
Respectfully submitted,



Joseph E. Page

#35,311

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PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 385

**Complete if Known**

Application Number	
Filing Date	
First Named Inventor	Florian, J.
Examiner Name	
Art Unit	
Attorney Docket No.	263.1

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit Account Number  
500296Deposit Account Name  
Page Lohr Associates

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments☐ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	385
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$ ) 385

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
20	-20** = 0	0	0
Independent Claims	3	-3** = 0	0
Multiple Dependent		0	0

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ ) 0

\*\*or number previously paid, if greater. For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1480 130	1480 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1808 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 0

**SUBMITTED BY**

Name (Print/Type)	Joseph Page	Registration No. (Attorney/Agent)	35,311	Telephone	858 699 6015
Signature		Date	06/15/04		

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

hdb



<b>PAGE LOHR ASSOCIATES</b> PO BOX 757 (858) 456-6639 LA JOLLA, CA 92038		1143
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**In the United States Patent and Trademark Office**

5    Applicant        :        Florian, J.  
     Filed            :        Herewith  
     Title            :        "Optical *In-Vivo* Monitoring Systems"

Date: June 15, 2004

10

**Commissioner of Patents and Trademarks**  
**Washington, D.C. 20231**

*Copy*

**Deposit Account General Authorization**

15

Honorable Commissioner,

     Please apply all charges in the above identified case, throughout its pendency,  
     against sums on deposit in Deposit Account #500296. This general authorization shall be  
20    in effect until notice of termination is served on the Patent Office.

Respectfully submitted,

25

Joseph Page  
reg. # 35,311

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.



In Re: Oriqus


Serial Number 10/780,813

## Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Assistant Commissioner for Patents  
Washington, D.C. 20231

on January 15, 2007  
Date

  
\_\_\_\_\_  
Signature  
Joseph Page  
\_\_\_\_\_  
Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Notice of Mailing 37 CFR 1.8(a)

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